

BEFORE THE BOARD OF REALTY REGULATION  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed amendment ) NOTICE OF PROPOSED  
of ARM 24.210.602 examination ) AMENDMENT  
)  
) NO PUBLIC HEARING  
) CONTEMPLATED

TO: All Concerned Persons

1. On October 4, 2006, the Board of Realty Regulation proposes to amend the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Realty Regulation no later than 5:00 p.m., on September 29, 2006, to advise us of the nature of the accommodation that you need. Please contact Barb McAlmond, Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2325; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2323; e-mail realestate@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.210.602 EXAMINATION (1) through (5) remain the same.

~~(6) The score upon which the pass-fail determination is made shall be 80 percent on broker uniform and state portions and salesperson uniform portion of the examination and 70 percent on salesperson state portion, all as may be scaled and equated for each specific examination by the board or testing entity providing or administering the examination.~~ For the broker examination, the pass-fail score is 80 percent.

(7) For the salesperson examination, the pass-fail score is:

(a) 80 percent for the uniform examination portions; and

(b) 70 percent for the state examination portion.

(8) All test scores may be scaled and equated for the specific examination either by the board or by the testing agency that provides or administers the examination.

AUTH: 37-1-131, 37-51-203, MCA

IMP: 37-51-202, 37-51-302, 37-51-303, MCA

REASON: It is reasonably necessary to amend this rule to allow the board to offer a broker's examination that contains a single part, rather than the two part exam

currently required by rule. The board is proposing to eliminate two parts to the broker examination and require passing an examination more in agreement with the statute (37-51-303, MCA) which requires the broker examination to be of a "more exacting nature and scope and more stringent than the examination for a salesperson's license." This amendment would allow the board the option of requiring an alternative examination format while fulfilling the purpose of the examination.

4. Concerned persons may submit their data, views, or arguments concerning the proposed rule in writing to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2323, or by e-mail to [realestate@mt.gov](mailto:realestate@mt.gov), to be received no later than 5:00 p.m., August 25, 2006.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2323, or by e-mail to [realestate@mt.gov](mailto:realestate@mt.gov). The comments must be received no later than August 25, 2006.

6. If the Board of Realty Regulation receives requests for a public hearing on the proposed rule from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed rule; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 600 persons based on approximately 6000 licensees.

7. An electronic copy of this Notice is available through the department and board's site on the World Wide Web at [realestate.mt.gov](http://realestate.mt.gov). The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person

wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2323, e-mailed to [realestate@mt.gov](mailto:realestate@mt.gov), or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF REALTY REGULATION  
TEDDYE BEEBE, CHAIRPERSON

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 17, 2006